

### REMARKS

Claims 1 through 16 are pending in this application.

Claims 1, 2, 4 through 9, and 11 through 16 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,366,780 to Obhan, et al. ("Obhan, et al. patent"). Also, claim 3 and 10 rejected under 35 U.S.C. §103(a) as being unpatentable over the Obhan, et al. patent in view of U.S. Patent No. 6,330,451 to Sen, et al. ("Sen, et al. ").

Claim 1 provides an operator interface that interactively specifies a minimum probability of communication service availability to communication devices. Similarly, claim 8 as amended provides interfacing to interactively specify a minimum probability of communication service availability to communication devices. By specifying the service availability, the communication system may determine appropriate parameters based on the service availability. Such parameters include, but are not limited to, modifying the number of users and modifying the bit rate of communication.

In contrast, the Obhan, et al. patent describes a system operator that establishes loading thresholds based on loading levels (see col. 11, lines 52 through 67 of the Obhan, et al. patent). As a side effect of establishing the loading thresholds, the service availability may or may not be calculated from the loading thresholds. Regardless of whether service availability may be determined, it is clear that the Obhan, et al. patent does not describe or suggest *specifying the service availability*, as required by claim 1 and amended claim 8. Likewise, the Sen, et al. patent does not describe or suggest specifying the service availability. Therefore, claims 1 and 8

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distinguish patentable from the Obhan, et al. patent, the Sen, et al. patent, and the combination of these patents.

Claims 2 through 7 and 9 through 16 depend from and include all limitations of independent claims 1 and 8. Therefore, claims 2 through 7 and 9 through 16 distinguish patentably from the Obhan, et al. patent, the Sen, et al. patent, and the combination of these patents for the reasons stated above for claims 1 and 8.

In view of the above, reconsideration and withdrawal of the rejections of claims 1 through 16 are respectfully requested.

### CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. A Notice of Allowance is


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respectfully solicited. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

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